

ORDINANCE NO. 1

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, IMPROVEMENT, AND RECONSTRUCTION OF THE SEWER SYSTEM WITHIN AND WITHOUT THE CITY LIMITS OF THE CITY OF LOWELL, ARKANSAS. PROVIDING FOR CHARGES, CONNECTION FEES, REGULATING USE OF SEWER SYSTEM, REGULATING CONSTRUCTION AND USE OF PRIVATE SEWERS, AND SEWAGE DISPOSAL. AND PROVIDING PENALTIES FOR VIOLATION OF PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY OF LOWELL, ARKANSAS:

SECTION 1. PURPOSE: Pursuant to the General Laws of the State of Arkansas, and the powers granted in the Charter of the City of Lowell, the City does hereby declare its intention to acquire, own, construct, equip, operate, and maintain within and without the City limits of the City of Lowell, a sewage disposal plant or plants, sewers, equipment and appurtenances necessary, useful or convenient for a sewer system and disposal area, including the reconstruction of such sewers as may necessarily or conveniently be deemed proper by the City.

There is hereby levied and imposed upon all residents within the City of Lowell, whether or not said premises are connected with the City sewer system, if a public sewer is available to which connection can be made to the premises, as herein provided; and also against all premises connected with the sewer system, whether said premises be within or outside the city limits of the City of Lowell, just and equitable charges for service, connection, maintenance, operation, extension, and reconstruction.

SECTION 2. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Applicant: Property owner.

Building Drain: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside and 5 feet beyond the walls of the building and conveys it to the interceptor tank.

Building Sewer: A sewer privately owned and constructed in conformance with the provision hereof, which connects the building drain with the interceptor tank.

Commercial: Shall include all sewer users, except residential.

Connection Fee: The fee charged by the City for inspection and connection to the sewage system.

Engineer: Engineer or Superintendent of the Lowell Sewer System, his authorized assistants and inspectors.

Equivalent Residential Unit (ERU): Represents the basis for establishing fees and calculating facility

capacity, and is set as 2.5 people per household or 250 gallons per day of effluent flow.

Garbage: Shall mean all putrescible waste, except sewage and body wastes, including wastes accumulated of animals, food, or vegetable matter, and including wastes that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, and vegetables, and shall include all such wastes or accumulations of vegetable matter of residences, restaurants, hotels, and places where food is prepared for human consumption. The term “garbage” shall not include recognized industrial by-products, nor shall it include cans, boxes, cartons, paper or other objects which may or may not have food or other organic material of any nature in or adhering to.

Grease Trap: A device designed to retain grease from one to a maximum of four fixtures.

Industrial Waste: Shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

Interceptor (Clarifier): A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal waste and permit normal sewage or liquid waste to discharge into the STEP or STEG interceptor tank.

Interceptor Tank: See STEP and STEG interceptor tank.

Manager: Superintendent or designated representative of the City.

May: Is permissive.

Natural Outlet: Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Person: Shall mean any individual, firm, partnership, company, association, society, corporation, group, or trust and the heirs, successors, and assigns of any such defined person.

PH: Shall mean the acidity or alkalinity of sanitary or industrial waste. ‘This is equal to the hydrogen ion concentration as measured by the logarithm of the reciprocal of the weight of hydrogen ions grams per liter of solution’.

Plumbing Regulations: Shall mean the 1995 Arkansas State Plumbing Code as adopted by the Arkansas State Board of Health and the 1997 Standard Plumbing Code of the Southern Building Code Congress International, Incorporated (including all appendixes thereto) Including the International Private Sewage Disposal Code.

Public Sewer: A pipe or conduit for carrying sewage, placed or accepted by the City, consisting of all conduits, interceptor tanks, pumping facilities service lines, system piping and control panels, but not including the building sewer which connects the building with the interceptor tank.

Residential: One or more rooms designed for occupancy by one family and with not more than one cooking facility.

Sanitary Sewer: A sewer, which carries sewage, and from which storm, surface, and ground waters are prohibited.

Sewage: Means water-carried human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, surface waters or industrial waste as may be present.

Sewage Treatment Plant: Shall mean any arrangement of devices or structures used for treating sewage.

Sewage Works: All facilities for collecting, pumping, treating, and disposing of sewage.

Sewerage System: The words "Sewerage System" as used in this ordinance means the system of sanitary sewers of the City of Lowell, Benton County, Arkansas.

Shall: Is mandatory.

Shredded Garbage: Waste from the preparation, cooking, and dispensing of food. Standard City Specifications: Are those specifications, which are on file in City Hall, to which all Street and sewer construction shall conform.

STEP Interceptor Tank: (Septic Tank Effluent Pumping) a septic tank structure, which contains facilities for pumping effluent. The STEP tank will be of a design and size (minimum 1500 gallon) approved by the Arkansas Department of Health and the City of Lowell.

STEG Interceptor Tank: (Septic Tank Effluent Gravity) a septic tank structure which gravity flows and contains effluent filters. The STEG tank will be of a design and size (minimum 1500 gallon) approved by the Arkansas Department of Health and the City of Lowell.

Storm Sewer or Storm Drain: A sewer, which carries storm and surface waters and drainage, but excludes sewage and polluted industrial waters.

Superintendent: The designated representative of the City responsible for the sewer system.

Suspended Solids: Shall mean solids that float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Watercourse: Shall mean a channel in which a flow of water occurs either continuously or intermittently.

Words used in the present tense shall include the future, the singular number includes the plural, and the plural includes the singular.

SECTION 3. APPLICATION. PERMIT REQUIRED. No person, firm, or corporation shall make a connection to any part of the sanitary sewer system of the City of Lowell, without first making an application and securing a permit therefore, and then only by using an approved connection, in accordance with the provisions of this ordinance.

Application for sewer connection permits shall be made in writing to City Hall in a form prescribed by the City and shall give the location of the property, street number of the buildings to be connected, name of the person, and statement as to whether or not the premises to be connected were in the past assessed for the construction of a sanitary sewer onto which the applicant desires to connect, and such other information or plans as may be required by the City.

Application for a permit to connect to the system should also include an easement from the lot owner as is required of the initial users for maintenance purposes.

SECTION 4. CONNECTION FEES:

(a) All applications for connection to the sanitary sewer system shall be accompanied by a

payment of an advance deposit in an estimated amount for all costs, including engineering, construction management, excavation, installation, materials, backfill, street repair, and overhead, as determined by the City for a STEP or STEG system on each lot, connection permit, and inspection fee; the amount of such fees shall be set from time to time by Ordinance and made a part hereof as though fully set forth herein. In addition to the above, applicant shall obtain a City plumbing permit.

If the property to which the applicant desires to make a sanitary sewer connection has never been assessed for sewer improvement, then, in addition to the service and inspection fee, the applicant shall pay a connection fee, which said fee shall also be set by Ordinance, from time to time, and such Ordinance shall become a part hereof as though fully set forth herein.

(b) The connection fees imposed by this section pertain to sewerage system service to existing buildings and to people who apply, and in the judgment of the City of Lowell, who may reasonably be served by such system. Fees for connections of existing buildings to the system shall be due within thirty (30) day's of the date fixed by the City of Lowell by motion or Ordinance as the date of starting of construction of the system. Connection fees for buildings outside the City limits, and buildings within the City limits shall be payable in amounts established by Ordinance.

Applicants for connections to be made after completion of construction of the system shall pay all costs of making the connection plus all fees. When one connection serves two or more buildings or residential units, each building or residential unit shall pay a connection fee.

(c) Connections for buildings located outside the City limits shall be made by the owners of such buildings. The connection fee for such connection shall be twice the rate that applies to buildings within the City limits as set forth above.

(d) Vacant Lots: Residential connections of tanks and service facilities will only be installed after issuance of a permit for building construction and substantial work has been completed.

SECTION 5. REQUIRED CONNECTIONS: The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the City and abutting on any street, alley, or public right-of-way, in which there is a public sanitary sewer of the City located within 300 feet of the property line is hereby required at his expense to install suitable sewage facilities herein, and connect said facilities directly with the public sewer in accordance with the provisions of this Ordinance. Each individual residential, business, or commercial building shall receive a separate connection.

Existing individual private sewage disposal systems shall connect upon failure of conventional septic tank.

SECTION 6. REPLACEMENT OF PUBLIC WAYS: Applicant shall agree to pay the cost of replacing streets or alleys excavated for the purpose of making the sewer connections covered by the permit, if not properly renovated during excavation. The City shall approve all streets and alley cuts, and holds the developer or contractor responsible for maintenance for one year after the line use has begun.

SECTION 7. MATERIALS AND MANNER OF CONSTRUCTION:

(a) All building sewer installations shall be constructed to conform to the provisions of the Arkansas State Plumbing Code. Connections within public right-of-way shall be made only by a licensed plumber of the State of Arkansas and be supervised by the City of Lowell Inspector.

Proof of a valid permit will be required prior to construction.

- (b) A separate and independent electrical circuit shall be provided for every STEP interceptor tank.
- (c) Existing building sewers and building plumbing may be used in connection with new buildings only when they meet all requirements of the applicable plumbing code.
- (d) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the State or City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the 1997 Standard Plumbing Code, and the 1997 Standard Private Sewage Disposal Code, Southern Building Code International, Incorporated, (including appendixes thereto).
- (e) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the interceptor tank, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer and the property owner shall provide a backwater valve to prevent backflow sewage. The City shall not be liable for any damage caused by backflow.
- (f) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.
- (g) The connection of the building sewer into the interceptor tank shall conform to the requirements of the applicable plumbing code. All such connections shall be made gastight and watertight and verified by proper testing. The superintendent before installation must approve any deviation from the prescribed procedures and material.
- (h) The applicant for the sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the interceptor tank. The connection and testing of the interceptor tank shall be made under the supervision of the Inspector or his representative. After installation, the STEP/STEG tank should be tested for water-tightness to include all connections to the tank. Any leakage should be eliminated or the tank replaced.
- (i) All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, County, or State as appropriate.
- (j) Plumbing within newly constructed houses, buildings, or structures shall be so oriented unless otherwise approved by the Inspector as to allow the building sewer to stem from the side closest to the system piping.
- (k) Upon sale of a subdivided or partitioned parcel with a house, building or structure utilizing an interceptor tank common to another house, building or structure which was not included in the sale or located on the parcel after division, another interceptor tank, control panel and proper piping shall be installed so that each parcel has independent sewerage facilities.

SECTION 8. BUILDING SEWERS: Materials and workmanship for building sewer construction

shall meet the Standards established by the City as modified from time to time or the applicable provisions of the Arkansas State Plumbing Specialty Code and Administrative Rules. Where in conflict, the higher standard shall apply. No backfill shall be placed until the Inspector has inspected the work. (Caution: different standards apply to the construction of public and private sewers.)

Whenever possible, all building drains and building sewers shall not be installed within ten (10) feet of a potable water supply. In the event that this provision cannot be complied with, applicant will proceed only under special permit, and under the direction of the inspector. When circumstances force the installer to cross potable waterlines and gas lines with sewer lines, the sewer lines shall be installed under the water or gas lines, and as near possible to 90 degree angle. Cast iron pipe with caulked and leaded joints shall be fused in crossing water mains unless the following requirement is met:

- (1) The bottom of the water piping at all points shall be at least eighteen (18) inches above the top of the sewer piping.

SECTION 9. PUBLIC SEWER USE: It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the Lowell City limits, or in any area under the jurisdiction of said City, any sewage, human or animal excrement, garbage, or other objectionable waste.

It shall be unlawful to discharge to any natural outlet within the City limits or in any area under the jurisdiction of said City, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with this ordinance.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters into any sanitary sewer, unless treated in approved septic system. Any existing discharge of such waters into sanitary sewers shall be immediately discontinued.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or to natural outlet provided by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Superintendent, to a storm sewer or natural outlet.

No person shall discharge or cause to be discharged any of the following described waters or waste into any public sanitary sewer:

- (1) Raw sewage not first treated through an interceptor tank
- (2) Explosive or inflammable liquids and gasses, or any liquid or vapor having a temperature higher than 150 degrees
- (3) Any water or waste which contains more than 100 parts per million by weight, of fat, oil or grease, oil and sludge from service stations, garages, repair shops, machine shops, cleaning establishments or other industries or establishments.
- (4) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, gas, petroleum, coal tar, vegetable and mineral oils and products, and their derivatives and wastes, except sewage as defined in Section 2.

- (5) Any garbage, such as ground or unground fruit peelings and cores from canneries or packing plants, cull fruits and vegetables, fruit and vegetable pits and seeds such as those from peaches, apricots, cherries, prunes, pumpkins and squash and cull walnuts and filberts.
- (6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch, stable or barn manure, offal from slaughterhouses. Dead animals, or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (7) Any waters or wastes having a ph lower than 5.5, higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (8) Any waters or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment facilities. Among substances that may be toxic to sewer systems, humans and animals are the following: copper, chromium, cyanide, lead, zinc, arsenic, nickel, phenol detergents, wastes from nuclear fission, paints or waste products from paint manufacturers or acids, alkalis or other corrosive liquids, gases or substances of sufficient strength to damage sewers, manholes, pumping stations or treatment plant units.
- (9) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment facilities.
- (10) Any noxious or malodorous gas or substance capable of creating a public nuisance or live steam, exhaust steam or water having a temperature above 140 degrees F.

SECTION 10. INTERCEPTORS/TRAPS: Oil, grease, and sand interceptors or grease traps shall be provided by hotels, restaurants, cafes, lunch counters, cafeterias, bars and clubs, hospitals, factories or school kitchens, filling and service stations, laundries, processing plants, metal fabrication plants, and other places when they are necessary for the proper handling of liquid wastes, sand, and other harmful ingredients, except that such interceptors/traps shall not be required for private living quarters or dwelling units.

All interceptors/traps shall be of a type, design and capacity as described by the applicable provisions of the Arkansas State Plumbing Code and approved by the Inspector and shall be located so as to be readily and easily accessible for cleaning and inspection.

Grease, oil interceptors and grease traps shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place shall be watertight.

Where installed, all grease, oil, and sand interceptors or grease traps shall be maintained by the owner, at his expense in continuously efficient operation at all times. The Superintendent shall ascertain that all interceptors/traps are cleaned and/or replaced at least once every month, or as needed.

SECTION 11. SHREDDED GARBAGE: Shredded garbage shall not be placed in the main lines of the public sewer system. Large quantities of such materials should be otherwise disposed of.

SECTION 12. DISPOSAL OF PRIVATE SEWAGE: Where a public sanitary sewer is not within 300 feet of property line of any building required by Section 5 of this Ordinance to be connected to such sewer, the building sewer shall be connected to a private sewer disposal system complying with the provisions of this ordinance.

Before commencement of construction of a private sewage disposal system, or before issuance of a permit, if such system is planned to be constructed, whichever is prior, the owner shall first obtain a written permit signed by the Inspector as required by ordinance of the City. Before issuing such permit, the Inspector shall approve the plans and shall also have the plans approved by the Arkansas Department of Health.

A private sewage disposal system shall not be used until the installation is completed to the satisfaction of the Building Permits Division and the Arkansas Department of Health. The work shall be inspected at any stage of construction, and, in any event, the applicant shall notify the Building Permits Division when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within one (1) day of receipt of the notice, excluding Saturdays, Sundays, and legal holidays.

The type, capacity, location and layout of a private sewage disposal system shall comply with all requirements of this ordinance. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 36,670 sq. ft. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

At such time as a public sewer is within 300 feet of the property line of a property served by a private disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance upon failure of an existing sewer system, and any septic tanks, cesspools, and similar sewage disposal facilities shall be abandoned, cleaned, and filled with suitable materials.

All individual, private sewage disposal systems shall comply with the following requirements:

- (a) In determining a suitable location for the system, consideration shall be given to the size and shape of the land area available, type of soils, slope of natural and finished grade, depth of groundwater, proximity to existing or future water supplies, and possible expansion of the system.
- (b) The sewage disposal system shall consist of a house sewer and a septic or treatment unit approved by the Arkansas State Department of Health and State Plumbing Code.
- (c) The system shall be designed to receive all sewage excluding footing, surface and roof drainage.
- (d) The system shall have adequate capacity to dispose of the maximum daily sewage flow properly.
- (e) Bulldozers, motor vehicles, trucks or any other heavy equipment shall not be driven over the system during or after the construction.

SECTION 13: TANK REPLACEMENT: Upon failure of a conventional septic systems, owners shall be required to install a STEP or STEG Interceptor Tank approved by the City for future public sewer service. A permit will be issued for all septic tank replacements. "Failure" or "Fails" are defined or designated as the inability of the private owned sewer system (tank and leach field) to operate for the purpose and /or to the extent for which it was designed and installed in such a manner that raw sewage escapes from the system in violation of City Ordinance: which implement and

enforce the requirements and regulations of the Arkansas State Health Department as to privately owned sewer systems. The failure is determined by personnel of the Arkansas State Health Department in the same manner, as they would make the determination required for violation of the City Ordinance.

SECTION 14. SEWER SERVICE CHARGE: Sewer service charges and assessments shall be established by Ordinance. The monthly rates for sewerage system use shall be billed to each user from the City of Lowell. The City by motion or Ordinance shall fix the date, after completion of the sewerage system, when such rates first become payable.

Sewerage system charges shall become due and payable on the fixed date. Unpaid sewerage system service charges due from users of the sewerage system shall become delinquent thirty (30) days from the date of mailing or delivery of the notice thereof.

Unless otherwise provided, each and every fee and service charge hereinabove fixed or established shall be due and payable within thirty (30) days from the first day of the month next following the month or fractional month of service. If such fee or charge is not paid to the Bookkeeper within such period, such fee or charge shall become a lien in favor of the City against the property served or subject to service. The Bookkeeper shall make a record of such lien in a City Lien book or docket. Such record shall show the amount of the lien, the date due, a description of the property affected or charged with the lien, and the name of the recorded owner, or contract owner of the property if known. Such lien and delinquent sewer charges and fees shall draw interest at the rate of twelve (12) percent per annum until paid, and including all costs of collecting the same.

The City may use such means of collection of sewer liens, or rates, charges, or sewer connection fees as are provided by the laws of the State of Arkansas or are authorized by the ordinances of the City. Any delinquencies in payment thereof may be certified to the assessor for Benton County, Arkansas, in accordance with § 14-235-223 (h). Any overdue sewer charge or fee further may be collected, at the option of the City, by an action at law in the name of the City.

All payments and collections of sewer service charges under this ordinance shall be deposited in the Operation and Maintenance Account of the Sewer Revenue Fund of the City. The Operation and Maintenance Account also may be used to pay reasonable administration costs and expenses of collection of the charges and connection fees imposed by this ordinance.

SECTION 15. PROTECTION FROM DAMAGE: No person shall break, damage, uncover, deface or tamper with any structure, appurtenance or equipment, which is a part of the sewage works.
Topic: Summary of responsibilities for property owners and the City in provision of sewer service

SECTION 16: SUMMARY OF RESPONSIBILITIES: For property owners and the City in provisions of sewer service

Each Person requesting sewer service, whether a reserved or additional sewer service, must:

1. Apply for service in writing.
2. Grant the City an easement in advance of installation to facilitate pumping and maintenance of tank(s).
3. Pay for a STEP or STEG system on each lot by depositing in advance of installation an estimated amount with the City for all costs, including engineering, construction management, excavation, installation, materials, backfill, street repair, and overhead, as

determined by the City.

4. Pay applicable City connection permit and inspection fees prior to installation, as set by City Ordinance.
5. Provide a permanent electrical “rough-in” at a location designated by the Inspector, if requested.
6. Notify Inspector a minimum of two (2) weeks prior to need for actual installation.
7. Pay monthly user fees as set by City Ordinance.
8. Maintain sewer line from the building to the interceptor tank.

The City shall:

1. Tap sewer main at an appropriate location.
2. Install a STEP or STEG system in accordance with plans and specifications of the Inspector.
3. Shall maintain sewer lines from the interceptor tank to the treatment plant.

SECTION 17. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 18. EMERGENCY: This ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Lowell, and to secure financing for the system and an emergency is hereby declared to exist. This ordinance shall take effect and be in full force and effect from and after its passage.

Passed and Approved this ____ day of ____ 2005

APPROVED: _____
MAYOR

ATTEST: _____
CLERK/RECORDER/TREASURER

DRAFT